

November 1, 2002

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, SW, Room 8-B201
Washington, DC 20554

Re: Request Amendment of the Commission's Rules to Prohibit Daily Business Communications on Family Radio Services (FRS) Frequencies RM-10564

Dear Chairman Powell:

On August 22, 2002, the Industrial Telecommunications Association, Inc. (ITA) filed a *Petition for Rulemaking* (Petition) asking the Commission to amend its rules to prohibit daily business communications on Family Radio Service frequencies.¹ On September 17, 2002, the Consumer and Government Affairs Bureau released a *Public Notice* to announce the acceptance of statements supporting or opposing the Petition.²

Being a radio dealer I have witnessed first hand the growing use of FRS frequencies for business use and I agree with ITA's Petition and support a prohibition of business communications on FRS frequencies.

The issue of concern is the level of disruption caused on FRS frequencies when radios with power levels much higher than intended are added to a users fleet. While there may be merit in allowing for small, or startup businesses to use FRS radios to reduce costs initially, it is intuitive that these business intend to grow. As businesses grow, their need for expanded communications grows, for example they need a base station, or a repeater to cover a larger area, then they add vehicles with mobile radios and so on.

As you see, the precedent in allowing businesses to start out with low power FRS radios creates a situation in which they will try to ADD to their existing fleet, NOT replace their FRS radios in favor of licensed, legal, and paid radio operation at the power levels they come to need.

Finally, I cannot think of anything else set aside by the government as intended for individual, or public use that businesses, large or small, are allowed to plunder.

¹ See, Amendment of Part 95 of the Commission's Rules to Establish a Very Short Distance Two-way Voice Radio Service. *Petition for Rulemaking*, RM-10564, filed on Aug. 22, 2002 (Petition).

² See, Consumer & Government Affairs Bureau Reference Information Center, Petition for Rulemaking Filed, *Public Notice*, Report No. 2576 (rel. Sept. 17, 2002).

Perhaps a special set of rules for small business use of private radio communication systems is in order. In the meantime, prohibition of daily business communications on FRS frequencies is needed for the preservation of the allocation for its intended use - communications between families and friends AND to provide for the proper future use thereof.

Perhaps this is not as big a problem now as the precedent may make it in the future. From my perspective, I have personally seen the events exactly as described above in three separate instances and I'm in Wichita, KS. I urge the Commission to prohibit business communications on these channels and look forward to working with the Commission on a rulemaking proceeding concerning this issue.

Sincerely,

Dennis P. Hull
Vice-President
Mobile Electronics, Inc.
Wichita, KS